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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,439	07/27/2001	Robert G. Farris	EFTD-25,758	9711
7590 12/18/2006 Roger N. Chauza HOWISON, CHAUZA, THOMA, HANDLEY & ARNOTT, L.L.P. P.O. Box 741715 Dallas, TX 75374-1715			EXAMINER DASS, HARISH T	
			ART UNIT 3693	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			12/18/2006	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/917,439

Applicant(s)

FARRIS ET AL.

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 28-32 are canceled.

Amendment: Claims 1, 6

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-15, 17-19, 24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody et al (hereinafter Brody –US 5,350,906) in view of Tsakanikas (US 5,570,465).

Re. Claim 1, Brody discloses depositing by transferor an article having a monetary value in a device at the origin [Abstract; col. 6 lines 16-24; col. 2 lines 43-66], which monetary value prior to the deposit is in possession of the transferor (inherent in brody); transferring the monetary value from the possession of the transferor (inherent in brody);

electronically communicating a value associated with the article corresponding to the transferred monetary value to a dispensing device at a destination that is geographically different from said origin [col. 1 lines 47-52; col. 2 lines 18-23; col. 15 lines 17-24]; and

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dispensing at the destination a medium having inherent value [col. 2 lines 43-57 (for example, see card with \$50.00); col. 1 lines 6-14 (currency)].

Tsakanikas discloses dispensing (printing) to a transferee at the destination a medium having inherent value without requiring transfer of any physical media to the transferee by the transferor [col. 1 lines 14-37; col. 6 lines 47-65] to transfer funds (print negotiable instruments) at distance location (at a different remote location).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Brody and include dispensing to a transferee at the destination a medium having inherent value without requiring transfer of any physical media to the transferee by the transferor, as disclosed by Tsakanikas, to transfer fund to recipient without transferring to his/her bank account.

Re. Claim 2, Brody discloses dispensing the medium at a destination device as legal tender [col. 2 lines 18-28; col. 8 lines 20-36].

Re. Claim 3, Brody discloses dispensing the legal tender of one country that is different from the legal tender of a country of said origin [col. 2 lines 18-28; col. 8 lines 20-36; col. 7 lines 8-13].

Re. Claims 6-8, Brody discloses providing to at said origin device a unique identification of a transaction to be carried out between said origin device and said destination device

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[col. 8 line 67 to col. 9 line 12; col. 11 lines 16-30], and including receiving an input at said destination device by a user thereof said unique identification, and in response to the input of said unique identification at the destination device, dispensing the medium [col. 8 line 67 to col. 9 line 12; col. 10 lines 1-33], and wherein said unique identification includes a transaction number and a personal identification number [col. 8 line 67 to col. 9 line 12; col. 13 lines 35-40].

Brody does not explicitly disclose providing with no physical media to a transferee.

However, transfer of funds to account is known, where no physical media is involved.

Tsakanikas discloses providing with no physical media to a transferee at said origin device (see supra). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Brody and include the above feature, as disclosed by Tsakanikas, to prevent fraud and eliminate mailing of money order or checks by transferor to transferee.

Re. Claims 24, 26-27, Brody discloses receiving input information via a touch screen input/output device by a user using said origin device, and encrypting the signals input by the user via the touch screen input/output device [Figure 1, 9; col. 5 lines 38-53; col. 25-30; col. 9 lines 1-11 (see PIN encoded)], including using a printer at said destination device to print said medium [col. 5 lines 38-40], and wherein said dispensing comprises printing said medium [col. 5 lines 38-40; col. 13 lines 45-50].

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Re. Claims 9-15, 17-19 Brody discloses ATM cards, Deposit card, withdrawal cards, cash (negotiable instrument and legal tender) [col. 2 lines 43-57], dispensing the medium at said destination device as a card having written thereon a monetary value and including writing the monetary value on a storage medium of a card, and writing the monetary value on a storage medium comprising a magnetic strip [Figure 7 & 8; col. 13 lines 35-38; col. 13 line 67 to col. 14 line 10], including receiving at said origin device a card having stored thereon said monetary value [col. 2 line 44-46 - credit card] capable of storing monetary value. Brody does not explicitly disclose including dispensing the medium at said destination device as a coupon, including dispensing the medium at said destination device as a ticket, including writing the monetary value on a storage medium comprising a chip. However, these are an alternative ways of storing values and are well known (for example, in movie theaters, greyhound bus stops, and airports ticket dispensing machines. ATM machines at the back of the receipts prints valuable coupons, and smart cards, IC cards and phone cards, store gift cards are well known). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Brody and include alternative means of storing value cards to allow more customers to use the system and make the system more profitable.

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Claims 4-5, 16, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody and Tsakanikas, as applied to claims 3, 1 above, and further in view of Downing et al (hereinafter Downing – 5,963,647).

Re. Claims 4-5, 16, and 22-23, Brody discloses accessing databases [Figure 2; col. 8 lines 1-6; col. 5 line 67 to col. 6 line 6], including receiving at said origin device said article and determining the monetary value associated therewith, subtracting from the monetary value a transaction expense to provide a remainder [col. 1 lines 6-14 (currency); col. 2 line 43-58; col. 3 lines 37-53 – see fees]. Brody does not explicitly disclose including carrying out an exchange rate calculation to define the value of the legal tender of a country of said destination, and including accessing a database to determine an exchange rate, and converting the remainder (balance of an amount after fee) to said medium and dispensing the medium at said destination device.

However, Downing discloses these features [Abstract; figure 5B # S11; col. 6 lines 38-65; col. 7 lines 17-27, lines 44-45; col. 11 lines 27-37; col. 16 lines 57-63] to calculate applicable foreign exchange rate for the currency of the source account and the currency of the selected destination. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Brody, Tsakanikas and Downing to provide a system for converting value of transfer funds from one currency (local currency) to another currency (foreign currency) at applicable foreign exchange rate to facilitate foreign currency transfer.

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Re. Claims 22-23, Brody does not explicitly disclose including electronically transmitting from the origin device a message having a format including at least two variable segments, and a fixed segment having one or more fields defining respective formats of said variable segments, and wherein said fixed segment includes fields defining identification parameters of said origin device, one said variable segment has fields defining a method of payment, and another variable segment has fields defining parameters of a vendor of goods or services. However, Downing discloses these features [Figure 2-3, Figure 4; col. 8 line 45 to col. 9 line 12 – see Figure 4 dates # 45 & # 50, source account # 42, and sender terminal ID are fixed fields. Figure 4 # 41, and recipient's name # 41, destination country # 44, Fees # 47, amount # 48 are variable] to provide a fund transfer system capable of transferring formatted instruction file from origination to destination having variable data segments to satisfy the transfer protocol of the destination device. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Brody and Downing to provide a system capable of transferring payment instruction file to different ATM systems over the electronic network.

Claims 20-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody and Tsakanikas as applied to claim 1 above in view of Randle et al. (hereinafter Randle – US 5,974,146).

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Re. Claims 20-21 and 25, Brody discloses transfer money system that allows customer to make bill payments (paying bills) from remote locations using cards [col. 14 lines 15-20]. Brody does not explicitly disclose an electronic message authorizing payment of an invoice, and including transferring the electronic message to a merchant for payment of the invoice, and including using a kiosk terminal as said destination device. However, Randle et al (hereinafter Randle - US 5,974,146) discloses these features [col. 1 lines 42-61; col. 5 lines 1-13, lines 29-37; col. 9 lines 18-22; col. 12 lines 18-47] to provide a real time payment system using ATM, kiosk, etc. which allows customers to pay bill any time. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Brody and Tsakanikas and include invoice payment (an electronic message authorizing payment of an invoice, and including transferring the electronic message to a merchant for payment of the invoice), as disclosed by Randle, using ATM network for faster service in real time.

Response to Arguments

2. Applicant's arguments filed 10/05/2006 have been fully considered in light of amendment and are moot.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAGDISH N. PATEL
PRIMARY EXAMINER
12/11/06

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